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| 10/009,331  | 11/06/2001  | Yoichiro Sako        | SONYJP 3.3-758               | 3841                   |
| 530 7590 07/19/2007<br>LERNER, DAVID, LITTENBERG,<br>KRUMHOLZ & MENTLIK<br>600 SOUTH AVENUE WEST<br>WESTFIELD, NJ 07090 |             |                      | EXAMINER<br>ALLEN, WILLIAM J |                        |
|   |             |                      | ART UNIT<br>3625             | PAPER NUMBER           |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/009,331 | <b>Applicant(s)</b><br>SAKO ET AL. |  |
|                              | <b>Examiner</b><br>William J. Allen  | <b>Art Unit</b><br>3625            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 15-17 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-17 and 48-51 is/are rejected.
- 7) ☒ Claim(s) 52-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Prosecution History Summary***

Claims 52-55 have been added.

Claims 8-14 and 18-47 have been canceled.

Claims 1-7, 15-17, and 48-51 are rejected as set forth below.

Claims 52-55 are hereby indicated as allowable.

### ***Allowable Subject Matter***

Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (note the below rejection, however, under 25 USC 112, second paragraph). Claims 53-55 are dependent on allowable claim 52, and are thereby allowable for at least those reasons.

***Response to Arguments***

Applicant's arguments filed 5/21/2007 have been considered but are moot in view of the new ground(s) of rejection. In addition, the Examiner notes that Kaiser does indeed teach the aspect of "displaying the reproduced broadcast program on a display such that the information associated with plurality of consumer commodities does not ordinarily alter any of the images shown on any portion of the display" and further notes Figure 6D of the reference. By displaying the interface in a manner that does not alter but merely overlays the displayed broadcast, the information associated with commodities in the broadcast does not "ordinarily alter" the images shown on the display.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 1-7, 15-17, and 48-55 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claims 1-7, 15-17, and 48-55, claim 1 recites the feature of “displaying the reproduced broadcast program on a display such that the information associated with plurality of consumer commodities does not ordinarily alter any of the images shown on any portion of the display”. The Examiner notes that the term “ordinarily alter” is not clear from the claim language or the specification, and thereby renders the claim indefinite. Upon review of the specification, the Examiner discerns the most likely meaning of “ordinarily alter” to be demonstrated in Figure 3 as an overlaid window appearing on top of the broadcast program (however, no definition can be found in the specification itself). For these reasons, it will be interpreted that such a feature as an overlaid window displaying information atop a broadcast program does not “ordinarily alter” the images shown and meets the requirements of the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 1-3, 15, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al (US 6615408) in view of Blatter et al. (US 5148725) in further view of Schein et al. (US 6151059).**

**Regarding claim 1,** Kaiser teaches a system and method for purchasing products during a video product comprising:

*receiving broadcast program data and information associated with a plurality of consumer commodities that appears in a broadcast program formed of the broadcast program data, the broadcast program having a predefined order, the information associated with the plurality of consumer commodities being synchronously transmitted with the broadcast program data;*

*reproducing the broadcast program in its predefined order from the received the program data;*

*displaying the reproduced broadcast program data on a display such that the information associated with plurality of consumer commodities does not ordinarily alter any of the images shown on any portion of the display (see at least: abstract, col. 2 lines 60-63, col. 5 lines 22-31, col. 6 lines 18-20, Fig. 1, 3, and 6D);*

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*selecting one of the plurality of consumer commodities while that commodity appears in the displayed broadcast program;*

*extracting the information associated with the selected one of the plurality of consumer commodities from the information associated with the plurality of consumer commodities (see at least: Fig. 5, col. 9 lines 46-56, Fig. 6A-6D);*

*storing information about the selected one of the plurality of consumer commodities while the reproduced broadcast program is being displayed so the stored information about the selected one of the plurality of consumer is accessible after the reproduced broadcast program is displayed (see at least: col. 13 lines 9-15).* The Examiner further notes that “transaction information”, such as product identity, quantity, price/cost, and the like, encompasses “information about the selected product”.

Though Kaiser teaches all of the above and further teaches a “child-screen” superimposed over the broadcast program, the child screen used for navigation and purchases while the broadcast program is being displayed (see at least: col. 10 line 9-col. 11 line 8, Fig. 6C-6D), it is not explicitly taught by Kaiser that *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen.

In the same field of endeavor, Blatter teaches a television receiver with picture-in-picture (or PIP) capability (see at least: abstract). Blatter further teaches receiving an item selection, and further displaying that item during a broadcast program by automatic activation of the PIP to show the item in the inset picture (see at least: col. 4 lines 23-30, Fig. 3). Thereby, Blatter teaches where *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen.

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It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser to have included *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen as taught by Blatter in order to provide a broadcaster with benefits such as selling formerly unused lines of video to a promoter, thereby generating increased profit with essentially no increase of expenditure (see at least: Blatter, col. 2 lines 29-33).

Additionally, though Kaiser teaches the selection of one of the plurality of consumer commodities while that commodity appears in the displayed program as noted above, Kaiser does not expressly teach selecting the commodity using a *cursor*.

In the same field of endeavor, Schein teaches a web enabled television system complete with a remote control device to allow viewers to browse through schedule information and retrieve more detailed information on programs they are interested in (see at least: col. 1 line 63-col. 2 line 8, col. 2 lines 37-41). Of important note in Schein is the use of a cursor, which is placed on an option presented on the screen to facilitate selection of the option (see at least: col. 6 line 62-col. 7 line 3, Fig. 1 and 7-26). In this respect, Schein teaches placing a cursor over a selectable option displayed on the television display to select and option of interest.

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser to have included utilizing a *cursor* to select commodities as taught by Schein in order to provide a system that facilitates easy access to a wide range of functionality



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through the combination of a limited number of user interactions (see at least: Schein, col. 1 lines 55-58).

**Regarding claims 2-3, 15, and 50,** Kaiser in view of Blatter in further view of Schein further teaches:

*(2) wherein the method is a method for buying the selected one of the plurality of consumer commodity (see at least: Kaiser, col. 12 lines 29-54).*

*(3) wherein the display of the image representing the selected one of the plurality of consumer commodity is displayed on a child screen of the displaying portion (see at least: Blatter, col. 4 lines 23-30, Fig. 3).*

*(15) wherein the broadcast program data and the information associated with the plurality of consumer commodities are received through a bi-directional communication network (see at least: Kaiser, Fig. 5, col. 9 lines 46-56, Fig. 6A-6D).*

*(50) wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie (see at least: abstract, col. 2 lines 60-63, col. 5 lines 8-21).*

The Examiner notes that “video production” conceptually encompasses various types of broadcast programs such as dramas, movies, etc. Furthermore, even if this were not true, simply claiming various types of programs does not move to distinguish the claimed invention from the prior art as the claims are merely directed to an obvious variant of a program type and fails to relate back to and further clarify what is required by the claim (e.g. broadcasting a comedy as opposed to a drama does not change the method).

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**3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter in further view of Schein as applied to claims 1-3, 15, and 50 above, and further in view of Gaughn (US 6097383):**

**Regarding claim 4,** Kaiser in view of Blatter in view of Schein teach all of the above as noted and further teach broadcasting a program to a display such as a television as well as a method for simultaneously displaying at least a portion of the information on a child screen superimposed on the reproduced broadcast program. Kaiser in view of Blatter in view of Schein, however, does not expressly teach wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen. In the same field of endeavor, Gaughn teaches *wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen* (see at least Abstract, Col 1 line 55-Col 2 line 34, Col 11 lines 4-23). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen as taught by Gaughn in order to provide a convenient way to swap between PIP screens on a web TV thus providing a distinct advantage over other web televisions (see at least Col 11 lines 4-23).

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4. **Claims 5-7, 16-17, and 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter in view of Schein as applied to claims 1-3, 15, and 50 above, and further in view of Kenney (US 6381283).**

**Regarding claim 5,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly, teach *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity*. In the field of electronic shopping, Kenney teaches a system where a user can shop via a home television for desired products (see at least: abstract, col. 4 line 65-col. 5 line 26, col. 5 line 57-col. 6 line 3). Kenney further teaches *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity* (see at least Abstract, Figures 4- 9). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

**Regarding claim 6,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought. Kenney teaches an information service method, wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought (see at least Figure 3). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

**Regarding claim 7,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network*. Kenney teaches *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network* (see at least Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of

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Schein to have included *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

**Regarding claim 16,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data*. Kenney teaches *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* (see at least Col 5, lines 62 - 63). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

**Regarding claim 17,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach *wherein the transmission of information associated with the selected consumer commodity is transmitted so that the information is synchronized with a*

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*picture of the program data. Kenney teaches wherein the transmission of information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data* (see at least Figures 4-9). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

**Regarding Claim 48,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach *wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus. Kenney wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus* (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items). ). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *wherein the stored information about the selected one of the plurality of consumer commodities to an external*

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*apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).*

**Regarding claim 49,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted but does not expressly teach *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities.* Kenney teaches *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities* (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

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**5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter in view of Schein as applied to claims 1-3, 15, and 50 above, and further in view of Sitnik (US 616-570).**

**Regarding claims 50 and 51,** Kaiser in view of Blatter in view of Schein teaches all of the above as noted as well as *wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie*. Kaiser in view of Blatter in view of Schein, however, does not expressly teach *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program*. Sitnik teaches wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie and *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program* (see at least Abstract, Col 4 lines 17-34, Col 9 lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter in view of Schein to have included *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program* as taught by Sitnik in order to synchronize product placement and television commercials, thereby providing for more effective advertising (see at least Sitnik, Col 9 lines 44-57).



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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 20040111332 discloses a detail-in-context lenses for interacting with objects in digital image presentations

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen  
Patent Examiner  
July 13, 2007



Mark Fadok

Primary Examiner